

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1058**

Introduced by Dw. Pedersen, 39

Read first time January 13, 2004

Committee: Judiciary

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-2404,  
2 60-2406, and 60-2410, Reissue Revised Statutes of  
3 Nebraska; to change provisions relating to liens on and  
4 charges and liability for towing vehicles; to harmonize  
5 provisions; and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 60-2404, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   60-2404. A motor vehicle towed away under sections  
4 60-2401 to 60-2411, which is not claimed by the owner within ~~one~~  
5 hundred eighty ninety days after towing, is subject to liens by the  
6 person who towed the vehicle under Chapter 52, article 6.

7                   Sec. 2. Section 60-2406, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9                   60-2406. ~~Anyone~~ (1) Except as provided in subsection (3)  
10 of this section, any person towing away a motor vehicle pursuant to  
11 sections 60-2401 to 60-2411 shall be liable for any reasonably  
12 foreseeable damages to the motor vehicle that occur during the  
13 hookup, towing, or disengagement of the motor vehicle to or from  
14 the towing vehicle unless the motor vehicle has been physically  
15 altered from its manufactured condition in a manner that impedes  
16 normal towing procedures.

17                   (2) Any person ~~and anyone~~ storing ~~such~~ a towed motor  
18 vehicle shall be liable for any reasonably foreseeable damage to  
19 the motor vehicle and the personal contents therein during the  
20 storage period.

21                   (3) Any person exercising reasonable care in towing away  
22 a motor vehicle pursuant to an order of a law enforcement officer  
23 shall not be liable for any loss or damage to such vehicle which  
24 occurs during such towing.

25                   Sec. 3. Section 60-2410, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27                   60-2410. The owner or other person lawfully entitled to  
28 the possession of any vehicle towed or stored shall be charged with

1 the ~~reasonable~~ cost of towing and storage fees at the rate normally  
2 charged by the person towing and storing the vehicle. Any such  
3 towing or storage fee shall be a lien upon the vehicle prior to all  
4 other claims. Any person towing or storing a vehicle shall be  
5 entitled to retain possession of such vehicle until such charges  
6 are paid. The lien provided for in this section shall not apply to  
7 the contents of any vehicle.

8 Sec. 4. Original sections 60-2404, 60-2406, and 60-2410,  
9 Reissue Revised Statutes of Nebraska, are repealed.